OIPE JC177 OCT 15 2004 PATENT & TRADEMARK OFFICE
OIPE JC177 OCT 15 2004 PATENT & TRADEMARK OFFICE

S&H Form: (2/01)

Docket No.: 1594.1369

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Snag-Yeon Pyo et al.

Serial No. 10/800,730 Group Art Unit: 3749

Confirmation No. 1852

Filed: March 16, 2004 Examiner: GRAVINI, Stephen Michael

For: DRYING APPARATUS AND WASHING MACHINE HAVING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed September 17, 2004, having a shortened period for response set to expire on October 17, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group III, claims 14-20 drawn to a washing machine having a water tub, in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

It is believed that claims 1-13 and 21-25 are so closely related to elected claims 14-20 that they should remain in the same application. The elected claims 14-20 are directed to a washing machine apparatus having a water tub. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing the drying apparatus, the washing machine and the condensing duct claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the drying apparatus, washing machine and condensing duct claims, it is believed that classification is not conclusive on the question of restriction.

©2001 Staas & Halsey LLP

It is believed, moreover, that evaluation of all claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Groups II through V claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 1-13 and 21-25 to be separate inventions from claims 14-20, the Applicants respectfully request the Examiner to consider claims 1-9, 10-13, 21-22 and 23-25 (Groups I, II, IV and V, respectively) and claims 14-20 (Group III) together.

III. Conclusion

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 15, 2004

By: Douglas Rodriguez

Douglas X. Rodriguez
Registration No. 47,269

1201 New York Ave, N.W., Ste. 700
Washington, D.C. 20005
(202) 434-1500